



CMA No.807 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.M.A.No.807 of 2023
and C.M.P.No.7469 of 2023

Prasanna Balaji

... Appellant

-Vs-

M/s.Equitas Small Finance Bank Ltd
Rep.by its Assistant Manager-Legal
Spencer Plaza, 4th Floor, Phase II
No.769, Anna Salai, Chennai 600 002.

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 37(2)(b) of the Arbitration and Conciliation Act, 1996 against the order dated 21.11.2022 made in Application No.491 of 2022 in Arbitration Case No.536 of 2022 on the file of the Sole Arbitrator.

For the Appellant : Mr.R.Rajan



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J U D G M E N T

(Made by the Hon'ble Acting Chief Justice)

Learned Counsel for the Appellant refused to listen to this Court when he was asked to read Para 10 of the order passed by the Sole Arbitrator dated 21.11.2022 made in Application No.491 of 2022 in Arbitration Case No.536 of 2022. We do not find any justification for the learned counsel for the appellant in not responding to our request.

2. The respondent claimant / respondent herein has taken out an interim application under Section 17 of the Arbitration and Conciliation Act, 1996 seeking direction to the appellant herein to furnish security to the tune of Rs.12,24,341/- (Tupees Twelve Lakhs Twenty Four Thousand Three Hundred and Forty One Only) within the time to be stipulated by the Arbitrator and in default, to order attachment of the property. When a pre-proceeding notice was issued to the respondent / appellant herein, there was no reply. The respondent / appellant also remained absent when the matter was taken up by the Arbitrator. Therefore, the Arbitrator proceed to pass



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an exparte conditional order of attachment.

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3. We are unable to find any reply given by the appellant for the pre-proceeding notice issued by the claimant and as the appellant remained absent for the hearing, the Arbitrator came to the conclusion that prima facie case has been made out for passing an exparte conditional order of attachment. Learned counsel for the petitioner is not able to controvert this position by any materials to show as to whether the appellant had received the pre-proceeding notice or was present for the hearing before the Arbitrator.

4. For the aforesaid reasons, we are unable to find any merits in the appeal. The appeal fails and the same is dismissed. There will be no order as to costs. Consequently, CMP No.7469 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
13.04.2023

Index : Yes/No
Neutral Citation : Yes/No
kst



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.
(kst)

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